REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed May 7, 2004. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner has rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,169,992, issued to Beall (hereinafter referred to as "Beall"). This ground of rejection is respectfully traversed as to the amended claims for the reasons provided below.

"It is axiomatic that for prior art to anticipate under §102 it has to meet every element of the claimed invention, and that such a determination is one of fact." *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81, 90 (Fed. Cir. 1986). The rejection is respectfully traversed because Beall does not meet every element of the invention claimed in claims 1-20, as amended, and 16-18 and because the Examiner has based her rejection upon clearly erroneous findings of fact.

Specifically, in rejecting claim 1, the Examiner has suggested that a "query" of Beall is equivalent to the claimed "service". As can be seen in Fig. 27 of Beall, for example, a "query" is a limited function which permits the user to simply

8

view data within the data base. Beall appears to have no facility for actually modifying that data base.

The "service" of Applicants' invention, though potentially useful to simply query or view data, is much more extensive in that it defines actual "manipulation" of data. See, for example, Fig. 25 and page 53, lines 13-19. Such manipulation includes: Sort, calculate, analyze, update append, delete, etc. To eliminate the confusion between "query" and "service", claim 1 has been amended to explicitly limit a service as "providing a related sequence of manipulations of data". Furthermore, because of the inherent complexity of a service, claim 1 further requires that the data base management system "responds to said service by executing an ordered sequence of command language script". This structure is simply not found in Beall, a system which responds to mere queries of a user.

The rejection of amended claim 1, and all claims depending therefrom, is respectfully traversed.

Similarly, amended claim 6 is limited to "a user terminal which makes a service request for modification of data within a data base". The only requests user requests discussed by Beall are "queries". There is no showing in Beall that there is any structure for modification of the data base. In addition, the data base management system of amended claim 6 is limited by

honoring "said service request by execution of an ordered

sequence of command language statements". Again this structure

is not found in Beall which is concerned only with limited

"queries".

Furthermore, the Examiner has supported her rejection using

clearly erroneous findings of fact. Claim 6 is limited by a

"Data Wizard" which permits the service request to be defined by

"a plurality of discreet and independent steps". In response to

this limitation, the Examiner states:

> c. a data wizard (Figures 27-31) responsively coupled
> to said user terminal and said data base management
> system which permits a service to be defined from said
> user terminal in accordance with a plurality of
> discrete and independent steps (Col. 30, line 1 to Col.
> 31, line 11).

The rather extensive citation of the Examiner discusses various

"operations" to be performed manually by the user. It says

nothing of the nature of the query itself. Surely, the Examiner

can distinguish between that which is done manually be the user

and that which is done automatically by the system. The

rejection of claim 6, as amended, and all claims depending

therefrom, is respectfully traversed.

Claim 11 has been amended to more explicitly indicate that

the service actually "modifies" data and that the steps of the

service are arranged and executed by the system rather than by

the user. This is readily distinguishable from Beall wherein

"the user click (sic) "next" to proceed (sic) next one of the

order (sic) sequence of steps". The rejection of amended claim 11, and all claims depending therefrom is respectfully traversed.

In rejecting claim 16, the Examiner repeats the same confusion finding that the claimed "steps" are executed by the user rather than by the system. However, claim 16 is a claim having "means-plus-function" limitations which is to be examined in accordance with MPEP 2181 et seq. Therefore, claim 16 is limited to execution of the steps by the system rather than by the user as discussed within the specification and drawings. The rejection of claim 16, and all claims depending therefrom, is respectfully traversed.

Citing the large quantity of text from column 30, line 1, to column 31, line 11, the Examiner makes clearly erroneous findings in rejection of the dependent claims. There is simply no suggestion within Beall to "edit" any system performed steps. The rejections are traversed as based upon clearly erroneous findings of fact.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Please charge any deficiencies or credit any overpayment to

Deposit Account No. 14-0620.
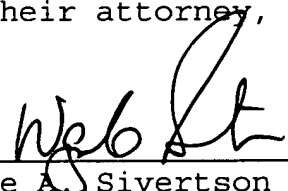
                                        Respectfully submitted,

                                        Thomas N. Turba et al

                                        By their attorney,

Date August   5   , 2004   _____
                                        Wayne A. Sivertson
                                        Reg. No. 25,645
                                        Suite 401
                                             Broadway Place East
                                        3433 Broadway Street N.E.
                                        Minneapolis, Minnesota
                                             55413
                                        (612) 331-1464